REMARKS

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to the Final Office Action mailed September 26, 2005. Claims 1, 2, 5-8 and 10-15 are rejected.

In this Amendment, claim 1 has been amended. Claim 4 has been canceled without prejudice. New claim 16 has been added. It is respectfully submitted that the amendment does not add new matter. A Request for Continued Examination ("RCE") is filed herewith.

Applicants reserve all rights with respect to the applicability of the Doctrine of equivalents.

IDS

Applicants submitted an IDS under 37 CFR § 1.97 with the proper fee on July 8, 2005. Applicants respectfully request the Examiner to consider the references cited therein.

Specification

Applicants have amended the specification to supply serial numbers for other applications mentioned in the patent application, and to remove typographical errors.

Claim Rejections under 35 U.S.C. §103(a)

Claims 1, 2, 5-8 and 10-11

The Examiner has rejected claims 1, 2, 5-8 and 10-11 under 35 U.S.C. §103(a) as being unpatentable over McCanne, et al. (USPN 6,415,323, "McCanne") in view of Yamano (USPN 6,314,088).

In independent claims 1, 7 and 10, applicants claim selecting an information object repository to receive a request for an information object at an anycast network address according to specified performance metrics, which include one or more of a reliability of a path from the selected information object repository, and available bandwidth in said path.

In contrast, McCanne discloses selecting a server for handling a service request from a client based on proximity. With respect to this limitation, the Examiner states that McCane dislose selecting the information object repository according to performance metrics and refers to McCane's column 18, lines 64-67. (Office Action dated 09/26/05, p. 6). In the cited portion, McCane reads:

> The ARN 908 [redirector] monitors network loading characteristics of its local service nodes 912 and 914. This loading information is stored in the DB 910. The ARN may also monitor loading characteristics of other service nodes.

Outside the cited portion, McCanne discloses:

> [S]erver health is based on various parameters, such as, server capacity, loading, anticipated server delays, etc., that may be monitored or received indirectly by the control elements and used to make server selection decisions.

(McCanne, col. 12, lines 12-15) (emphasis added).

Thus, McCanne discloses monitoring network loading characteristics of service nodes and selecting service nodes based on server capacity, loading, and anticipated delays. Thus, McCanne cannot be properly interpreted as teaching or suggesting selecting an information object repository based on performance metrics, which include one or more of a reliability of a path from the selected information object repository, and available bandwidth in said paths, as claimed.

Yamano does not supply the missing limitations. Yamano discloses:

> A first configuration server node is responsive to an initial configuration inquiry message from the client node for returning a ready-to-accept message if it holds the client's configuration data. If not, the first configuration server node selects a second configuration server node and causes the client node to download its configuration data from the second configuration server node either directly or via the first configuration server node if the client's data is located in the second configuration server node.

(Yamano, Abstract).

Thus, Yamano discloses selecting a server if requested data is located in the server. Yamano also does not teach or suggest selecting an information object repository based on performance metrics, which include one or more of a reliability of a path from the selected information object repository, and available bandwidth in said paths, as claimed.

Accordingly, applicants respectfully submit that McCanne and Yamano, either individually or in combination, do not render obvious independent claims 1, 7 and 10 and associated dependent claims and respectfully requests the withdrawal of the rejection.

Claims 9, 12-15

The Examiner has rejected claims 9 and 12-15 under 35 U.S.C. §103(a) as being unpatentable over McCanne and Yamano and alleged knowledge in the art.

The Examiner has taken official notice that it is well known in the art to update the client about the failure of an information request, if that request is not received within a certain timeout period. Applicants respectfully object to such Official Notice and request the Examiner cite references in support of his/her position.

Furthermore, as none of McCanne, Yamano, or alleged knowledge in the art teach or suggest each and every limitation of independent claims 7 and 10, any combination cannot render obvious claims 9 and 12-15.

As discussed above, McCanne and Yamano, either individually or in combination, do not teach or suggest selecting an information object repository based on performance metrics, which include one or more of a reliability of a path from the selected information object repository, and available bandwidth in said paths, as claimed. Also, the alleged knowledge in

the art, that it is well known in the art to update the client about the failure of an information request, does not supply the missing limitation.
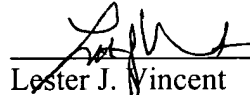
Accordingly, applicants respectfully submit that McCanne, Yamano and alleged knowledge in the art, either individually or in combination, do not render obvious independent claims 7 and 10 and associated dependent claims 9 and 12-15 and respectfully requests the withdrawal of the rejection.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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